

## CHAPTER 54-35 LEGISLATIVE COUNCIL

**54-35-01. Council - Created - Members - Vacancy - Terms.** The North Dakota legislative council, in this chapter referred to as the legislative council or the council, consists of the majority and minority leaders of the house and of the senate plus six senators and seven representatives chosen biennially before the close of each regular legislative session. In the house of representatives the speaker of the house shall appoint to the council four members recommended by the majority leader and three members recommended by the minority leader, except that the speaker must by virtue of office be one of the four members appointed from the speaker's faction. In the senate the lieutenant governor shall appoint to the council four members recommended by the majority leader and two members recommended by the minority leader. Any vacancy occurring when the legislative assembly is not in session must be filled by the selection of another member of the legislative assembly belonging to the same faction as the member originally appointed, the selection to be made by the remaining senate or house members of the council, depending upon which body has the vacancy. Each senator and each representative chosen to serve on the council shall serve until a new council has been selected at the next regular legislative session; provided, however, that no senator, not a holdover, who is not reelected to the senate, and no representative, who is not reelected to the house of representatives, may serve as a member of the council beyond the closing day of the term to which elected. Any vacancy occurring because any member of the council is not reelected must be filled for the period from the beginning of the session until a new council is selected, in the same manner as the original council is selected.

**54-35-02. Powers and duties.** In addition to the other applicable provisions of this chapter, the council has the following powers and duties:

1. To study, consider, accumulate, compile, and assemble information on any subject upon which the legislative assembly may legislate, and upon such subjects as the legislative assembly may by concurrent or joint resolution authorize or direct, or any subject requested by a member of the legislative assembly; provided, that the council may screen and prioritize studies assigned by concurrent or joint resolution to maintain its workload within the limitations of time and legislative appropriations.
2. To collect information concerning the government and general welfare of the state and of its political subdivisions.
3. To study and consider important issues of public policy and questions of general interest.
4. To study and promote uniformity of legislation in the United States upon subjects upon which uniformity is desirable and to confer with the commissioners or similar groups appointed for the same purpose by any other state in drafting uniform laws to be submitted for the approval and adoption by the several states and through such member or members or council staff persons as the council may appoint to meet annually with the conference of commissioners on uniform state laws for the promotion of uniformity of legislation in the United States and join with it in such measures as may be deemed most expedient to advance the objects of such conference. The council shall receive, review, and make recommendations on uniform and model laws recommended to it by the state commission on uniform state laws.
5. To prepare proposed bills and resolutions for consideration of the succeeding legislative assembly.
6. To call to its assistance other members of the legislative assembly, and it may create committees consisting of its own members, or one or more of its own members and one or more other members of the legislative assembly and delegate

by written resolution to such committees such of its powers and rights as it may deem advisable. Committees of the council may also include nonlegislator members. Any member of the legislative assembly has the right to attend any meeting of the council and may present that member's views on any subject which the council may at any particular time be considering.

7. To issue subpoenas or subpoenas duces tecum in the manner provided in sections 54-03.2-08 and 54-03.2-09. Committees of the council may issue subpoenas and subpoenas duces tecum in the same manner if specifically authorized by the council. Failure to obey a subpoena issued by the council, or one of its committees, is contempt.
8. To control the use of the legislative chambers and permanent displays in memorial hallway. Guidelines may be established pursuant to this subsection and the council, or its designee, shall administer any guidelines which are established.
9. To determine access to legislative information services and impose fees for providing legislative information services and copies of legislative documents. This authority may not be exercised in a manner that contravenes access to legislative documents as otherwise provided by law.

**54-35-02.1. Legislative audit and fiscal review committee.** For the purposes of studying and reviewing the financial transactions of this state; to assure the collection and expenditure of its revenues and moneys in compliance with law and legislative intent and sound financial practices; and to provide the legislative assembly with formal, objective information on revenue collections and expenditures for a basis of legislative action to improve the fiscal structure and transactions of this state, the legislative council shall create a division of the budget section of the legislative council entitled the legislative audit and fiscal review committee. The members of the committee must be appointed in the same manner as other members of legislative council committees.

**54-35-02.2. Powers and duties of the legislative audit and fiscal review committee.** It is the duty of the legislative audit and fiscal review committee to study and review audit reports as selected by the committee from those submitted by the state auditor, confer with the auditor and deputy auditors in regard to such reports, and when necessary, to confer with representatives of the department, agency, or institution audited in order to obtain full and complete information in regard to any and all fiscal transactions and governmental operations of any department, agency, or institution of the state. Each department, agency, or institution shall furnish to the committee such aid, information, and assistance in regard to fiscal transactions and governmental operations as it may from time to time request. Whenever the committee may determine or have reason to believe that there may have been a violation of law relating to the receipt, custody, or expenditure of public funds by any state officer or employee, the committee shall present such evidence or information as may be in its possession to the attorney general. The attorney general shall receive and accept such evidence or information and shall immediately commence such additional investigation as the attorney general deems necessary. Upon completion of the investigation, if the evidence supplied by the committee and through the investigation indicates the probability of a violation of law by any state official or employee, the attorney general shall immediately prosecute such official or employee as provided by law. The legislative council, through its committee on legislative audit and fiscal review, or such persons as may be directed or employed by it, is authorized, within the limits of legislative appropriations, to make such audits, examinations, or studies of the fiscal transactions or governmental operations of departments, agencies, or institutions of the state as it may deem necessary.

**54-35-02.3. Employee benefits programs committee - Appointment - Selection of chairman.** The legislative council, during each biennium, shall appoint an employee benefits programs committee in the same manner as the council appoints other interim committees. The council shall appoint five members of the house of representatives and four members of the senate to the committee. The council shall designate the chairman of the committee. The

committee shall operate according to the statutes and procedure governing the operation of other legislative council interim committees.

**54-35-02.4. Employee benefits programs committee - Powers and duties.**

1. The employee benefits programs committee shall consider and report on those legislative measures and proposals over which it takes jurisdiction and which affect, actuarially or otherwise, the retirement programs of state employees or employees of any political subdivision, and health and retiree health plans of state employees or employees of any political subdivision. The committee shall make a thorough review of any measure or proposal which it takes under its jurisdiction, including an actuarial review. The committee shall take jurisdiction over any measure or proposal that authorizes an automatic increase or other change in benefits beyond the ensuing biennium which would not require legislative approval. The committee must include in the report of the committee a statement that the proposal would allow future changes without legislative involvement. The committee shall report its findings and recommendations, along with any necessary legislation, to the legislative council and to the legislative assembly.
2. To carry out its responsibilities, the committee, or its designee, may:
  - a. Enter into contracts, including retainer agreements, with an actuary or actuarial firm for expert assistance and consultation. Each retirement, insurance, or retiree insurance program shall pay, from its retirement, insurance, or retiree health benefits fund, as appropriate, and without the need for a prior appropriation, the cost of any actuarial report required by the committee which relates to that program.
  - b. Call on personnel from state agencies or political subdivisions to furnish such information and render such assistance as the committee may from time to time request.
  - c. Establish rules for its operation, including the submission and review of proposals and the establishing of standards for actuarial review.
3. The committee may solicit draft measures and proposals from interested persons during the interim between legislative sessions, and may also study measures and proposals referred to it by the legislative assembly or the legislative council.
4. A copy of the committee's report concerning any legislative measure shall, if that measure is introduced for consideration by a legislative assembly, be appended to the copy of that measure which is referred to a standing committee.
5. A legislative measure affecting a public employees retirement program, public employees health insurance program, or public employee retiree health insurance program may not be introduced in either house unless it is accompanied by a report from the committee. A majority of the members of the committee, acting through the chairman, has sole authority to determine whether any legislative measure affects a program.
6. Any amendment made during a legislative session to a legislative measure affecting a public employees retirement program, public employees health insurance program, or public employee retiree health insurance program may not be considered by a standing committee unless it is accompanied by a report from the employee benefits programs committee.
7. Any legislation enacted in contravention of this section is invalid and of no force and effect, and any benefits provided under such legislation must be reduced to the level current prior to enactment.

**54-35-02.5. Administrative rules committee.** The legislative council, during each biennium, shall appoint an administrative rules committee in the same manner as the council appoints other interim committees. The legislative council shall designate the chairman of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative council interim committees. The membership of the administrative rules committee must include at least one of the members who served during the most recently completed regular session of the legislative assembly from each of the standing committees of either the house of representatives or the senate.

**54-35-02.6. Rules reviewed by administrative rules committee - Committee responsibility.** The administrative rules committee shall review administrative rules adopted under chapter 28-32. The committee shall consider oral and written comments received concerning administrative rules. The committee shall study and review administrative rules and related statutes to determine whether:

1. Administrative agencies are properly implementing legislative purpose and intent.
2. There is dissatisfaction with administrative rules or with statutes relating to administrative rules.
3. There are unclear or ambiguous statutes relating to administrative rules.

The committee may make rule change recommendations to the adopting agency and may make recommendations to the legislative council for the amendment or repeal of statutes relating to administrative rules. The committee's failure to review proposed rules prior to publication in the North Dakota Administrative Code does not prevent rules from taking effect. Except for action pursuant to section 28-32-17 or 28-32-18, the recommendations or opinions of the committee do not affect the legality of any rule as determined by the attorney general.

**54-35-02.7. Garrison diversion overview.** The legislative council is responsible for legislative overview of the Garrison diversion project and related matters and for any necessary discussions with adjacent states on water-related topics.

**54-35-02.8. Legislative ethics committee.** The legislative council, during each biennium, shall appoint an ethics committee to consider or prepare a legislative code of ethics. The committee may recommend legislation relating to legislative ethics. The committee shall operate according to the laws and procedures governing the operation of other legislative council interim committees.

**54-35-03. State departments, officers, and employees to cooperate.** Each department, board, commission, agency, officer, or employee in the state government shall furnish such information and render such assistance to the council as the council or its committees may from time to time request.

**54-35-04. Meetings - When held - How called - Quorum.** The council or committee appointed by it, may sit at such time and place as it may deem advisable, but the council shall meet at least once in each year and shall meet at any time upon the call of the chairman or a call signed by seven members of the council. At any meeting of the council, seven members constitute a quorum and a majority of such quorum has the authority to act in any matter falling within the jurisdiction of the council.

**54-35-05. Governor sending messages to meetings.** The governor may send messages to such meetings of the council as the governor deems advisable.

**54-35-06. Officers - Accept funds - Expenditures.** The council shall select a chairman and a vice chairman from its own members and may prescribe its own rules of procedure. It may appoint a secretary who need not be a member, and shall appoint a director who must be in charge of the offices and staff of the council and who must be paid such salary as the council may determine. The council may employ such other persons and obtain the assistance of such

research agencies as it may deem necessary. The council is authorized to accept and use any funds made available to it through the terms of any agreement that it may make with any agency whatsoever for the accomplishment of the purpose of this chapter. Expenditures of funds made available to the council by legislative appropriation must be made in accordance with rules or motions duly approved by the council.

**54-35-07. Records - Reports.** The council shall keep minutes of its meetings and a record of all its transactions and shall at the beginning of each biennial legislative session, and may at any other time, make a report of its activities and recommendations to the members of the legislative assembly and to the governor.

**54-35-08. Recommended legislation may be required in advance.** The council may require that any recommendation for legislation, which is to be presented by any department, board, commission, agency, officer, official, or employee of the state desiring the consideration of the council, be presented to it at least sixty days in advance of any regular legislative session.

**54-35-09. Recommendations - When made public - Distribution.** The recommendations of the council must be completed and made public prior to any session of the legislative assembly at which such recommendations are to be submitted; and a copy of said recommendations must be mailed to each member-elect of the legislative assembly, to each elective state officer, and to the state law library.

**54-35-10. Compensation of members and leadership.**

1. The members of the council and the members of any committee of the council are entitled to be compensated for the time spent in attendance at sessions of the council and of its committees at the rate of one hundred dollars per day and must also be paid for expenses incurred in attending said meetings and in the performance of their official duties in the amounts provided by law for other state officers.
2. In addition to the compensation provided in subsection 1, the chairman of the council shall receive an additional five dollars for each day spent in attendance at sessions of the council and of its committees, and the chairman of each of the council's committees shall receive five dollars for each day spent in attendance at sessions of the council or of the committee which the person chairs.

**54-35-11. Preparation for and assistance to legislative assembly - Custody of equipment - Approval of delayed vouchers.** The legislative council is hereby authorized, on behalf of the legislative assembly, to make all necessary arrangements prior to each legislative session, for the procurement of necessary supplies, equipment, services, excluding the employment of legislative employees, building space, or any other preparations or arrangements it deems necessary or desirable to be made prior to the commencement of each legislative session in order to facilitate the proper convening and operation of the legislative assembly. The legislative council shall act as the custodial agency to ensure the proper storage and safekeeping of legislative supplies and equipment during the interim periods between legislative sessions, and is authorized to approve vouchers on behalf of the legislative assembly, or may authorize its director to do so, for the payment from legislative appropriations of delayed billings or other billings for legislative expenses during periods when the legislative assembly is not in session. It shall, through its own actions or through its staff, carry out such duties or projects and provide such service and assistance to the legislative assembly or its committees and members as may be requested by concurrent resolution of the legislative assembly or deemed necessary or desirable in assisting the legislative assembly in meeting its responsibilities and carrying out its duties during the legislative session or the interim between sessions.

**54-35-12. Legislative budget analyst and auditor.** The legislative council shall appoint a legislative budget analyst and auditor. A person is not eligible for the appointment unless the person holds a baccalaureate degree from a recognized institution of higher learning, is a certified public accountant, or has had five years' experience in government accounting. The

appointment of the legislative auditor must be based upon qualifications of eligible persons without reference to partisan politics. The salary of the legislative budget analyst and auditor must be determined by the council and it may employ additional persons as necessary to carry out sections 54-35-12 through 54-35-14.

**54-35-13. Personnel - Compensation - Expenses.** The salaries, travel, and other expenses of the legislative budget analyst and auditor and other personnel within the legislative budget analyst and auditor's office must be submitted, approved, and paid in the same manner as other employees of the legislative council.

**54-35-14. Powers and duties of legislative budget analyst and auditor.** The legislative budget analyst and auditor shall attend all budget hearings carried on by the executive budget officer and shall have access to all budget material submitted to, and all studies carried on by, the executive budget officer. The legislative budget analyst and auditor shall analyze the executive budget when prepared, with special reference to sources of revenue, trends in governmental spending and finance, policies followed and inconsistencies in such policies, and proposed new or substantially expanded or reduced areas of spending and prepare a report of that analysis for the legislative assembly. The legislative budget analyst and auditor shall report thereon to the appropriations committees of the senate and house of representatives in joint meeting and shall perform such services for such committees during the legislative session as they shall reasonably request. The legislative audit and fiscal review committee may call upon the legislative budget analyst and auditor for such assistance as it may deem necessary in the analysis of any audit submitted to such committee. Each department, institution, and agency shall furnish such records and information to the legislative budget analyst and auditor as requested by the legislative budget analyst and auditor in the performance of official duties.

**54-35-15. Information technology program - Staff - Powers and duties.**

1. The legislative council, or its designee, shall provide information technology research and staff services to the legislative branch. The services must be provided in accordance with the existing statutory authority of the legislative council and within the framework of its other staff services.
2. The legislative council staff office shall provide information technology services, and the council, or its designee, may hire such additional staff as are necessary, and set compensation for any additional staff within the limits of legislative appropriations.
3. The council, or its designee, shall structure the provision of information technology services and assistance to the legislative assembly and shall receive such cooperation and assistance from other state agencies as it may reasonably request.

**54-35-15.1. Information technology committee - Appointment.** The legislative council, during each biennium, shall appoint an information technology committee in the same manner as the council appoints other interim committees. The council shall appoint six members of the house of representatives and five members of the senate to the committee. The chief information officer of the state is an ex officio, nonvoting member of the committee. The council shall designate the chairman of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative council interim committees.

**54-35-15.2. Information technology committee - Powers and duties.** The information technology committee has continuing existence and may meet and conduct its business during the legislative session and in the interim between sessions. The committee shall:

1. Meet at least once each calendar quarter.
2. Receive a report from the chief information officer of the state at each meeting.
3. Review the business plan of the information technology department.

4. Address macro-level questions relating to the information technology department.
5. Review the activities of the information technology department.
6. Review statewide information technology standards.
7. Review the statewide information technology plan.
8. Conduct studies of information technology efficiency and security.
9. Make recommendations regarding established or proposed information technology programs and information technology acquisition by the executive and judicial branches.
10. Except as provided in subsection 11, review the cost-benefit analysis of any major information technology project of an executive or judicial branch agency. A major project is a project with a cost of two hundred fifty thousand dollars or more in one biennium or a total cost of five hundred thousand dollars or more.
11. Review the cost-benefit analysis of any major project of the state board of higher education or any institution under the control of the state board of higher education if the project:
  - a. Significantly impacts the statewide wide area network, including the campus access routers;
  - b. Impacts the statewide library system; or
  - c. Is an administrative project. An administrative project is a project that directly collects, aggregates, modifies, stores, or reports institutional student, financial, or human resources records or data and is provided primarily for administrative purposes.
12. Perform periodic reviews to ensure that a major information technology project is on its projected schedule and within its cost projections.

**54-35-15.3. Information technology project quality assurance - Information technology committee review - Suspension of funds.** The information technology committee may review any information technology project or information technology plan. If the committee determines that the project or plan is at risk of failing to achieve its intended results, the committee may recommend to the office of management and budget the suspension of the expenditure of moneys appropriated for a project or plan. The office of management and budget may suspend the expenditure authority if the office of management and budget agrees with the recommendation of the committee.

**54-35-15.4. Information technology committee - Information technology reviews.** The information technology committee may request the state auditor to conduct an information technology compliance review. The review may consist of an audit of an agency's information technology management, information technology planning, compliance with information technology plans, and compliance with information technology standards and policies or an audit of statewide compliance with specific information technology standards and policies.

**54-35-16. Authority to determine if legislative assembly meets.** The council may issue a call for the legislative assembly to convene after it has adjourned under subsection 2 of section 54-03-02. The length of a legislative session called under this section may not exceed the number of natural days available under the constitution which have not been used by that legislative assembly. The council may exercise this authority, and the legislative assembly shall meet, regardless of whether the motion to close the regular session of the legislative assembly was to recess to a time certain, adjourn to a time certain, or adjourn sine die.

**54-35-17. Retention of legal counsel.** When the legislative assembly is in session, either house by resolution may authorize, or both houses by concurrent resolution may direct, the legislative council to appoint or retain legal counsel to appear in, commence, prosecute, defend, or intervene in any action, suit, matter, cause, or proceeding in any court or agency when deemed necessary or advisable to protect the official interests of the legislative branch. When the legislative assembly is not in session, the legislative council, by a majority vote, may appoint or retain legal counsel to appear in, commence, prosecute, defend, or intervene in any action, suit, matter, cause, or proceeding in any court or agency when deemed necessary or advisable to protect the official interests of the legislative branch. Section 54-12-08 does not apply to a person appointed or retained under this section.

**54-35-18. (Effective through August 1, 2007) Electric industry competition - Need for study.** The legislative council shall study the impact of competition on the generation, transmission, and distribution of electric energy within this state. The legislative assembly finds that the economy of this state depends on the availability of reliable, low-cost electric energy. There is a national trend toward competition in the generation, transmission, and distribution of electric energy and the legislative assembly acknowledges that this competition has both potential benefits and adverse impacts on this state's electric suppliers as well as on their shareholders and customers and the citizens of this state. The legislative assembly determines that it is in the best interests of the citizens of this state to study the effects of competition on the generation, transmission, and distribution of electric energy.

**54-35-18.1. (Effective through August 1, 2007) Electric industry competition committee - Composition.**

1. The legislative council shall appoint a committee to study electric industry competition.
2. The committee shall study the impact of competition on the generation, transmission, and distribution of electric energy within this state and on the state's electric suppliers.
3. As used in sections 54-35-18 through 54-35-18.2, "electric suppliers" means public utilities regulated under title 49, rural electric cooperatives organized under chapter 10-13, municipal electric utilities organized under chapters 40-33 and 40-33.2, and power marketers.
4. The committee consists of:
  - a. Six members of the house of representatives, four of whom must be from the majority political party and two of whom must be from the minority political party.
  - b. Six members of the senate, four of whom must be from the majority political party and two of whom must be from the minority political party.
5. The chairman of the legislative council shall name one of the members as chairman.

**54-35-18.2. (Effective through August 1, 2007) Electric industry competition committee - Study areas.** The electric industry competition committee shall study this state's electric industry competition and electric suppliers and shall report to the legislative council in the same manner as do other interim legislative council committees, concerning the following issues:

1. Financial issues, including:
  - a. The interests of residential customers, including:
    - (1) Fairness of rates, terms, and conditions of service for services chosen.



- (2) Affordability of rates, bills, and services.
  - (3) Stability and predictability of rates and bills.
  - (4) Reliability and quality of power supply.
  - (5) Assurance that rates, terms, and conditions are nondiscriminatory.
  - (6) Ability of customers to understand potential energy choices.
  - (7) Importance of a fair dispute resolution process.
  - (8) Potential for rates to reflect the customer's desired level of energy reliability and availability.
- b. The interests of small business customers, large business customers, shareholders, and other stakeholders, including:
    - (1) Fairness of rates, terms, and conditions of service for the services chosen by customers.
    - (2) Affordability of rates, bills, and services for customers.
    - (3) Stability and predictability of customers' rates and bills.
    - (4) Assurance that rates, terms, and conditions are nondiscriminatory for all customers.
    - (5) Ability of customers to understand potential energy choices and the implications of these choices.
    - (6) Importance of a fair dispute resolution process for customers.
    - (7) Potential for rates to reflect the customer's desired level of energy reliability and availability.
- c. Financial integrity of and cost of capital to electric power suppliers.
  - d. Taxes paid by electric suppliers, including franchise taxes, excise taxes, income taxes, ad valorem taxes, in lieu taxes, and real and personal property taxes.
  - e. Tax implications to local governments.
  - f. Quantification and recovery of stranded investments by electric power suppliers, including those resulting from:
    - (1) Customers who have a legal obligation to bear certain costs, who find a way to avoid those obligations, and who leave without paying costs incurred on the customer's behalf; and
    - (2) The costs of investments that exceed their value in the competitive market.
  - g. Pricing of transmission and distribution services.
  - h. Pricing and rate subsidies for all classes of customers.
  - i. Unbundling of costs of services.

2. Legal issues, including:
  - a. State, tribal, and federal jurisdiction.
  - b. State statutory and regulatory constraints and oversight of the electric industry.
  - c. Those related to the federal energy regulatory commission.
  - d. Commerce clause constraints.
  - e. Review of existing state laws, rules, and constitutional provisions that affect the generation, transmission, and distribution of electric energy, including the need and appropriateness of regulatory reforms for services that will continue to be provided by a regulated utility.
  - f. Interstate reciprocity and the regional nature of the industry.
  - g. Continuing obligations of an electric supplier to serve customers.
  - h. Use and protection of proprietary information in a competitive market.
3. Social issues, including:
  - a. Planning and operation of electric suppliers, including integrated resource planning.
  - b. Efficiency and sufficiency of an aggregate supply of energy.
  - c. Environmental impacts.
  - d. Impact on the development and use of renewable resources.
  - e. Appropriate and proper method of recovery of the cost of social, low income, and noneconomic renewable energy programs in order to ensure that costs are fairly and equitably shared among all customers of electric energy.
4. Issues related to system planning, operation, and reliability, including:
  - a. Electric system reliability.
  - b. Provisions by which customers would be permitted to have a choice of generation providers.
  - c. Applicability of regulatory reliability criteria to nonutility market participants.
  - d. Form and requirements of contracts for the sale and purchase of electric energy.
  - e. Requirements for metering energy usage at the customer's location.
  - f. Designation and regulation of ancillary services.
5. Identification and review of potential market structures, including:
  - a. Possible market structures for a deregulated generation market and transmission market and whether these structures should be mandated or allowed to form voluntarily.
  - b. Formation of market segments in response to customer requirements.

- c. Impact on the investment stability of the electric utility industry.
- d. Impact on multipurpose entities.
- e. Potential to improve economic efficiency.
- f. Size of the market and the extent to which its size impacts the level of benefits for customers or groups of customers.
- g. Ability of participants with control over the electricity generation and transmission system to exercise market power over pricing or the need for controls to prevent the exercise of market power.
- h. Controls or bans on corporate relationships between regulated utilities and emerging competitive sectors.
- i. Barriers to achieving nondiscriminatory competition among electric suppliers, including review of federal and state tax issues, availability of federal subsidies to certain energy suppliers, application of federal laws that impose regulatory requirements on the electric utility industry, and jurisdiction of the federal energy regulatory commission over competitors.
- j. Viability of all customers to participate in and benefit from a competitive electricity market, including:
  - (1) Risks and responsibilities that customers or classes of customers incur by participating in a competitive market.
  - (2) Costs of gathering, processing, and managing information on the price and quality of electricity.
  - (3) Benefits to customers or classes of customers from participation in a competitive electricity market.
- 6. Whether and to what extent power produced by the Garrison dam should be taxed by the state.
- 7. The source and cost of power supplied to the state's Indian reservations.
- 8. Other issues related to the generation, transmission, and distribution of electric energy.

**54-35-18.3. Electric industry competition committee - Recommendations.** Expired pursuant to S.L. 1999, ch. 467, § 3.

**54-35-19. Use of fees - Appropriation.** All fees received by the legislative council and the legislative assembly for providing legislative information services and copies of legislative documents must be deposited in the legislative services fund in the state treasury. The legislative services fund is a revolving fund with an authorized ceiling of two hundred fifty thousand dollars. All moneys transferred into the fund, moneys deposited in the fund, and earnings on moneys in the fund are appropriated to the legislative council for use in improving and enhancing legislative information services and the preparation of legislative documents. The fund is not subject to section 54-44.1-11.

**54-35-20. National conference of insurance legislators - Appointment of representatives.** The chairman of the legislative council, in consultation with the insurance commissioner, shall appoint two members of the house of representatives and two members of the senate to represent the state at functions of the national conference of insurance legislators. Each member shall serve a two-year term. If a member is unable to complete the member's

term, the chairman of the legislative council shall appoint another member to complete the term. The insurance commissioner shall pay the necessary expenses of the legislative members for attending functions of the national conference of insurance legislators.

**54-35-21. No Child Left Behind Act of 2001 - Interim committee - Appointment - Duties.**

1. The legislative council shall appoint an interim committee consisting of five members of the senate and six members of the house of representatives. The committee shall study the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301 et seq.], including amendments to the Act, changes to federal regulations implementing the Act, and any policy changes and letters of guidance issued by the United States secretary of education.
2. The legislative council shall designate the chairman and vice chairman of the committee.
3. The committee shall operate under the rules applicable to other legislative council committees, except that the committee may communicate directly with the United States secretary of education, employees of the United States department of education, and any other federal officials, both elected and appointed, regarding implementation of the Act.
4. The committee shall work with and encourage the testimony of public and private officials, including the superintendent of public instruction, the education standards and practices board, the state board of higher education, the North Dakota council of educational leaders, the North Dakota education association, the North Dakota school boards association, and the North Dakota Indian affairs commission. In addition, the committee shall actively seek the participation of students, parents, classroom teachers, school administrators, and other citizens of this state. The committee shall direct its efforts to ensuring that no child in this state is left behind and to further ensuring that no law or rule, be it federal or state, hinders or otherwise impedes the ability of this state's teachers, schools, and school districts to achieve this goal.
5. The committee shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative assembly.

**54-35-22. (Effective through July 31, 2007) Workers' compensation review committee.**

1. During each interim, a legislative council interim workers' compensation review committee must be appointed as follows: two members of the senate appointed by the majority leader of the senate of the legislative assembly; one member of the senate appointed by the minority leader of the senate of the legislative assembly; two members of the house of representatives appointed by the majority leader of the house of representatives; and one member of the house of representatives appointed by the minority leader of the house of representatives. The chairman of the legislative council shall designate the chairman of the committee. The committee shall operate according to the laws and procedures governing the operation of other legislative council interim committees. The committee may recommend legislation relating to workers' compensation. The committee shall meet once each calendar quarter or less often if the committee chairman determines a meeting that quarter is not necessary because there are no claims to review.
2. The committee shall review workers' compensation claims that are brought to the committee by injured workers for the purpose of determining whether changes should be made to the laws relating to workers' compensation. A claim may not be reviewed by the committee unless the organization has issued a final determination

and either the injured worker has exhausted the administrative and judicial appeals process or the period for appeal has expired. In order for the committee to review a claim, the injured worker must first sign a release of information for constituent authorization to allow the committee and legislative council staff to review the injured worker's workforce safety and insurance records and to allow the committee members and workforce safety insurance representatives to discuss the records in an interim committee hearing. Notwithstanding any open meeting requirements, except as otherwise provided under this section, the workforce safety and insurance records of an injured worker whose case is reviewed by the committee are confidential. However, pursuant to the constituent's authorization, information contained in the records may be discussed by the committee members and workforce safety and insurance representatives in an interim committee hearing.

3. The committee shall accept testimony of an injured worker and of a representative designated by the injured worker. After the committee has received the testimony of the injured worker and the injured worker's representative, the committee shall request that the organization provide testimony.

**54-35-23. (Effective through July 31, 2007) Committee on tribal and state relations - Membership - Duties.**

1. The committee on tribal and state relations is composed of seven members as follows:
  - a. The chairman of the legislative council or the chairman's designee;
  - b. Three members of the house of representatives, two of whom must be selected by the leader representing the majority faction of the house of representatives and one of whom must be selected by the leader representing the minority faction of the house of representatives; and
  - c. Three members of the senate, two of whom must be selected by the leader representing the majority faction of the senate and one of whom must be selected by the leader representing the minority faction of the senate.
2. The chairman of the legislative council, or the chairman's designee, shall serve as chairman of the committee.
3. The committee shall meet at such times and places as determined by the chairman. The legislative council shall provide staffing for the committee.
4. The committee shall conduct joint meetings with the native American tribal citizens' task force to study tribal-state issues, including government-to-government relations, the delivery of services, case management services, child support enforcement, and issues related to the promotion of economic development. After the joint meetings have concluded, the committee shall meet to prepare a report on its findings and recommendations, together with any legislation required to implement those recommendations, to the legislative council.
5. The members of the committee are entitled to compensation from the legislative council for attendance at committee meetings at the rate provided for members of the legislative assembly for attendance at interim committee meetings and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.
6. The native American tribal citizens' task force is composed of six members as follows:

- a. The executive director of the Indian affairs commission, or the executive director's designee;
- b. The chairman of the Standing Rock Sioux Tribe, or the chairman's designee;
- c. The chairman of the Spirit Lake Tribe, or the chairman's designee;
- d. The chairman of the Three Affiliated Tribes, or the chairman's designee;
- e. The chairman of the Turtle Mountain Band of Chippewa Indians, or the chairman's designee; and
- f. The chairman of the Sisseton-Wahpeton Sioux Tribe, or the chairman's designee.

**54-35-24. (Effective through June 30, 2009) Commission on alternatives to incarceration.**

1. The commission on alternatives to incarceration is composed of:
  - a. Three members appointed by the governor, one of whom must be an academic researcher with specialized knowledge of criminal justice sentencing practices and sentencing alternatives;
  - b. The attorney general or the attorney general's designee;
  - c. Two members appointed by the chief justice of the supreme court;
  - d. The director of the department of corrections and rehabilitation;
  - e. The director of the department of human services;
  - f. Two local law enforcement officers appointed by the attorney general;
  - g. One state's attorney appointed by the North Dakota state's attorney's association;
  - h. Three members of the house of representatives, two of whom must be selected by the leader representing the majority faction of the house of representatives and one of whom must be selected by the leader representing the minority faction of the house of representatives;
  - i. Three members of the senate, two of whom must be selected by the leader representing the majority faction of the senate and one of whom must be selected by the leader representing the minority faction of the senate; and
  - j. One representative of the North Dakota association of counties appointed by the association of counties.
2. The chairman of the legislative council shall select the chairman and vice chairman of the commission from the legislative members of the commission.
3. The commission shall meet at the times and places as determined by the chairman. The legislative council shall provide staffing for the commission.
4. The commission shall study sentencing alternatives, mandatory sentences, treatment options, the expanded use of problem-solving courts, home monitoring, and other related issues. If the commission determines that consultant services are necessary to assist the commission in conducting its assigned studies, the

commission may request funding for consultant services from the legislative council and other interested entities. The commission shall provide to the governor information and recommendations for the governor's consideration in time for inclusion of the recommendations in the biennial executive budget. The commission shall report its findings and recommendations together with any legislation required to implement those recommendations to the legislative council.

5. The members of the commission who are not state employees or members of the legislative assembly are entitled to mileage and expenses as provided by law for state officers and employees. Unless otherwise provided in this subsection, the expenses of appointed members are to be paid by the legislative council. A state employee who is a member of the commission must receive that employee's regular salary and is entitled to mileage and expenses, to be paid by the employing agency. The members of the commission who are members of the legislative assembly are entitled to compensation from the legislative council for attendance at commission meetings at the rate provided for members of the legislative assembly for attendance at interim committee meetings and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.